

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                  )  
                                  )      Case No. CR-23-456-SLP  
v.                             )  
                                  )  
CORDERO DONTI HARVEY,    )  
                                  )  
Defendant.                 )

**O R D E R**

Before the Court is the Motion to Withdraw Plea of Guilty [Doc. No. 49], filed by Defendant, pro se, on September 17, 2024. Defendant was sentenced and judgment was entered in this matter on September 10, 2024. *See* [Doc. No. 47]. Defendant was represented by retained counsel at that time.

Defendant's pro se motion is STRICKEN because he was represented by counsel when his Motion was filed, and any request for relief was required to be filed by counsel. *See* 10th Cir. R. 46.3(A) ("Trial counsel must continue to represent the defendant until either the time for appeal has elapsed and no appeal has been taken or this court has relieved counsel of that duty."); *see also* Fed. R. App. P. 4(b)(1) ("a defendant's notice of appeal must be filed in the district court within 14 days after . . . judgment"). Additionally, the motion is untimely because it was filed after sentencing. Fed. R. Crim. P. 11(e) ("After the court imposes sentence, the defendant may not withdraw a plea of guilty or nolo contendere, and the plea may be set aside only on direct appeal or collateral attack.").

IT IS THEREFORE ORDERED that Defendant's Motion to Withdraw Plea of

Guilty [Doc. No. 49] is STRICKEN.

IT IS SO ORDERED this 1<sup>st</sup> day of October, 2024.

  
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**SCOTT L. PALK**  
**UNITED STATES DISTRICT JUDGE**